

**WILLMAR CITY COUNCIL PROCEEDINGS**  
**BOARD ROOM**  
**HEALTH AND HUMAN SERVICES BUILDING**  
**WILLMAR, MINNESOTA**  
**& BY ELECTRONIC MEANS (GOTO MEETING)**

May 3, 2021  
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Julie Asmus, Thomas Butterfield, Michael O'Brien, Justin Ask, Vicki Davis, and Audrey Nelsen. Present 8, Absent 1. Council Member Plowman was excused from the meeting.

Also present were City Administrator Brian Gramentz, Police Chief Jim Felt, Finance Director Steve Okins, Public Works Director Sean Christensen, Planning and Development Services Director David Ramstad, Fire Chief Frank Hanson, City Clerk Judy Thompson, and City Attorney Robert Scott.

There were no additions or deletions to the agenda.

Council Member Fagerlie moved to approve the agenda, as presented. Council Member Nelsen seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of April 19, 2021
- B. Special City Council Minutes of April 26, 2021
- C. Willmar Municipal Utilities Commission Minutes of April 26, 2021
- ~~D. Planning Commission Minutes of April 21, 2021~~
- E. Park and Recreation Board Minutes of March 17, 2021
- F. Accounts Payable Report of April 15 – April 28, 2021
- G. Labor Committee Minutes of April 13, 2021
- ~~H. Public Works/Safety Committee Minutes of April 22, 2021~~
  - ~~1. Tree Planting/Maintenance Policy Amendment~~
  - ~~2. Order Assessment Hearing for 2021 Street Improvement Projects~~
- I. Finance Committee Minutes of April 22, 2021
  - 1. **Resolution No. 2021-094 Authorizing Amendment of 2020 Expenditure Budget - 2020**  
General Fund Department Overages
  - 2. **Resolution No. 2021-095 Setting 2020 Pre-Audit Fund Balances**
- ~~J. Purchase 2021 Tahoe Police Package Vehicle with Emergency Equipment~~
- K. Willmar Convention and Visitors Bureau Minutes of March 16, 2021
- L. Police Commission Minutes of March 31, 2021
- M. Willmar Main Street Minutes of April 20, 2021

Council Member Fagerlie offered a motion to introduce **Resolution No. 2021-093 Approving Consent Agenda Items**. Council Member Fagerlie asked that Item D. be removed for discussion. Council Member Asmus asked that Item H. be removed for discussion. Council Member Nelsen asked that Item J. be removed for discussion. Council Member Asmus seconded the motion to approve the consent agenda, with the removal of Items D., H., and J., which carried on a roll call vote of Ayes 7, Noes 0.

Council Member Fagerlie asked for clarification on Item D. in reference to the land sale of Block 25. Planning and Development Director Ramstad gave a brief overview of the proposed project and stated it will be discussed in further detail later in the agenda. Council Member Fagerlie then offered a motion to approve Item D. Council Member Davis seconded the motion which carried, on a roll call vote of Ayes 6, Noes 0. Council Member Nelsen abstained from voting.

Council Member Asmus asked that a correction be made to Item H. stating Council Member Plowman was absent from the meeting. Council Member Asmus then offered a motion to approve Item H. Council Member Fagerlie seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

**Resolution No. 2021-096 Approving the Amendment to the Tree Planting/Maintenance Policy** was introduced by Council Member Asmus. Council Member Fagerlie seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

**Resolution No. 2021-097 Declaring Costs to be Assessed, Ordering Preparation of the Assessment Roll and Calling Hearing on Assessments for Project Nos. 2101-A, 2101-B, and 2103-A, 2021 Street and Other Improvements** was introduced by Council Member Asmus. Council Member Fagerlie seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Council Member Nelsen asked if the City requests restitution and if unable to obtain restitution for damage to squad cars, where the money comes from to pay for the requested 2021 Tahoe purchase. Council Member Asmus asked if we are short vehicles with the recent incident damaging four squad cars. City Administrator Gramentz stated the funds would be applied to our insurance deductible, or come from our reserves, if needed. Police Chief Felt stated one of the four vehicles received substantial damage, but three are still operable with minor cosmetic damage.

Council Member Nelsen then offered a motion to approve Item J. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

**Resolution No. 2021-098 Approving the Purchase of a Chevrolet Tahoe with Emergency Vehicle Equipment in the Amount of \$52,780.41** was introduced by Council Member Nelsen. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

At 7:12 p.m. Mayor Calvin opened the public hearing for an ordinance amending section 3.S. of the Willmar Zoning Ordinance relating to driveway standards. Planning and Development Services Director Ramstad presented details to the Mayor and Council, and stated the Planning Commission held a public hearing and approved the amendment on April 7, 2021.

There being no one to speak for or against said ordinance, Mayor Calvin closed the public hearing at 7:14 p.m. and opened it up for discussion by the Council. Following discussion, Council Member Fagerlie introduced **Ordinance No. 1462 An Ordinance Amending No. 1060, Known as the Willmar Zoning Ordinance, by Amending Section 3.S. Relating to Driveway Access Standards**. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Due to the length and cost of publishing entire Ordinance, Council Member Fagerlie introduced **Resolution No. 2021-099 Authorization to Publish Ordinance Amending Ordinance No. 1060 Section 3.S. Relating to the Driveway Access Standards by Summary**. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

City Administrator Gramentz asked Council to consider setting the interview process for the virtual City Administrator interviews by using a moderator to ask all initial questions, with Council asking any follow up questions as needed. Mr. Gramentz stated this allows for a smoother process and results in more questions asked/answered.

Following discussion, Council Member Nelsen offered a motion to approve staff's recommendation. Council Member Butterfield seconded the motion.

Following further discussion, Council Member offered an amendment to her motion, whereby BakerTilly Representative Patty Heminover be named the moderator. Council Member Butterfield seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Public Works Director Sean Christensen requested Council consider adopting a resolution awarding Project No. 2101-A to Riley Bros. Construction, Inc. in the amount of \$2,099,609.54 and authorize signatures on the agreement.

**Resolution No. 2101-100 Awarding Project No. 2101-A to Riley Bros. Construction, Inc. in the Amount of \$2,099,609.54** was introduced by Council Member Asmus. Council Member Ask seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Public Works Director Sean Christensen requested Council consider adopting a resolution awarding Project No. 2101-B to Duininck, Inc. in the amount of \$1,087,587.90 and authorize signatures on the agreement.

**Resolution No. 2101-101 Awarding Project No. 2101-B to Duininck, Inc. in the Amount of \$1,087,587.90** was introduced by Council Member Asmus. Council Member Ask seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Planning and Development Services Director Dave Ramstad requested Council consider adopting an emergency ordinance temporarily exempting temporary signs from the sign ordinance during the COVID-19 emergency. Mr. Ramstad stated this ordinance was originally adopted in March 2020, and has been renewed several times by Council as emergency ordinances expire after 60 days per City Charter. This action will re-instate an emergency ordinance with identical provisions for another 60 days, or until the local peacetime emergency ends.

Following discussion, Council Member Fagerlie offered a motion to approve staff's recommendation. Council Member Nelsen seconded the motion which failed, on a roll call vote of Ayes 5, Noes 2. Council Members Butterfield and O'Brien voted "no". It was noted this action required six affirmative votes to pass. The Council then asked for a re-vote, and the motion again failed on a roll call vote of Ayes 5, Noes 2. Council Members Butterfield and O'Brien voted "no".

Planning and Development Services Director Dave Ramstad requested Council consider adopting an emergency ordinance to allow for the temporary commercial use of public property, assign it a number, and publish it. Mr. Ramstad noted this emergency ordinance was originally adopted in early 2020, and has been renewed several times by Council. This action will re-instate the emergency ordinance with identical provisions for another 60 days, or until the local peacetime emergency ends, whichever comes first.

Following discussion, Council Member Fagerlie offered a motion to approve staff's recommendation and introduced **Ordinance No. 1463 An Emergency Ordinance Temporarily Permitting Limited Sales of Goods and Delivery of Services Within Public Rights-of-Way and Other City Property During the COVID-19 Local Emergency**. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Due to the length and cost of publishing entire Ordinance, Council Member Fagerlie introduced **Resolution No. 2021-102 Authorization to Publish Ordinance No. 1463 An Emergency Ordinance Temporarily Permitting Limited Sales of Goods and Delivery of Services Within Public Rights-of-Way and Other City Property During the COVID-19 Local Emergency By Summary**. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Planning and Development Services Director Dave Ramstad presented pertinent details regarding sale of four city-owned lots in Block 25, and requested Council consider introducing an ordinance authorizing land sale to Lumber One Development Company, L.L.C. and set a public hearing for May 17, 2021 at 7:01 p.m.

Council Member Nelsen asked to be removed from the discussion and abstain from voting on this agenda item.

Kandiyohi County Economic Development Commission Executive Director Aaron Backman spoke in support of the project.

Lumber One Development Company, L.L.C. Chief Manager Ted Schmid presented further details of the project to the Mayor and Council.

Following discussion, Council Member Fagerlie offered a motion to **introduce an Ordinance Authorizing the Sale of Real Property to Lumber One Development Company, L.L.C.** and set a public hearing for May 17, 2021 at 7:01 p.m. Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 6, Noes 0. Council Member Nelsen abstained.

Due to the length and cost of publishing entire Ordinance, Council Member Fagerlie introduced **Resolution No. 2021-103 Authorization to Publish Public Hearing Notice by Summary for an Ordinance to Sell City-Owned Land on Block 25.** Council Member Asmus seconded the motion which carried, on a roll call vote of Ayes 6, Noes 0. Council Member Nelsen abstained from voting.

Council Member Nelsen returned to the Council table.

Public Works Director Sean Christensen presented a request to consider adopting a resolution of intent to reimburse for the costs incurred on the 2021 street and other improvement projects.

**Resolution No. 2021-104 Establishing Procedures Relating to Compliance with Reimbursement Bond Regulations Under the Internal Revenue Code** was introduced by Council Member Asmus. Council Member Nelsen seconded the motion which carried, on a roll call vote of Ayes 7, Noes 0.

Council Member Fagerlie offered the following comments: the Spring City Auction will be held Wednesday, May 5, 2021 at the Public Works impound lot; new playground equipment is being installed at Sperryville Park.

Council Member Fagerlie offered a motion to adjourn the meeting with Council Member Asmus seconding the motion which carried. The meeting adjourned at 8:07 p.m.

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
SECRETARY TO THE COUNCIL

#### **RESOLUTION NO. 2021-093**

#### **APPROVING CONSENT AGENDA ITEMS**

Motion By: Fagerlie

Second By: Asmus

WHEREAS, the City Charter for the City of Willmar requires the City Council approve all Consent Agenda items by resolution.

BE IT RESOLVED by the City Council of the City of Willmar Minnesota, that all Consent Items of the May 3, 2021 City Council meeting be approved as presented.

Dated 3rd day of May, 2021

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
CITY CLERK

**RESOLUTION NO. 2021-094**

**A RESOLUTION AUTHORIZING AMENDMENT OF THE 2020 EXPENDITURE BUDGET**

Motion By: Fagerlie Second By: Asmus

WHEREAS, the City of Willmar has adopted a Budget Management Policy through which the City Council shall formally authorize the applicable department(s) to exceed their budget(s) and determine the source of funding to be utilized to cover the overage. The source of funding could be from another department(s) that is/are adequately under budget, excess/unanticipated revenues received, etc.; and

WHEREAS, four departments have exceeded their 2020 Budget appropriations:

City Administrator	\$ 16,439.08
Legal	\$ 66,677.49
Police Department	\$ 14,199.71
Engineering	\$ 7,991.90

and

WHEREAS, General Fund NonDepartmental is adequately under budget for 2020 which is available to be used to offset the overages listed above;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar, that the 2020 Budget be amended by reducing the General Fund NonDepartmental Expenditures and increasing the City Administrator, Legal, Police, and Engineering Department Expenditures as listed above.

Dated this 3<sup>rd</sup> day of May, 2021.

/s/ Marv Calvin  
MAYOR

Attest:

s/s Judy Thompson  
CITY CLERK

**RESOLUTION NO. 2021-095**

**A RESOLUTION SETTING PRE-AUDIT 2020 FUND BALANCES**

Motion By: Fagerlie Second By: Asmus

WHEREAS, the City of Willmar has adopted a Fund Balance Policy in compliance with the Governmental Accounting requirements in the use and defining of its different Fund Balance amounts; and

WHEREAS, the 2020 Pre-Audit Fund Balances for the General Fund have been determined following said Fund Balance Policy:

**Restricted Fund Balances:**

Year 2021	\$ 1,027,032
Employees/Retirees Severances	372,480
Prepaid Expenses	298,761
Non-Spendable Inventory	51,743
Deposits	11,139
Petty Cash	3,850

**Total Restricted Fund Balances** \$ 1,765,005

**Unrestricted but Assigned Fund Balances:**

Year 2022	\$ 397,282
Working Capital	4,000,000
Self Insurance	1,000,000
Emergency Current Year	1,000,000
Emergency Next Year	1,000,000
Current Employee Vacation/Sick Leave	1,798,182

**Total Unrestricted but Assigned Fund Balances** \$ 9,195,464

**Total General Fund Balance** \$ 10,960,469

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar, that the Pre-Audit 2020 Fund Balances for the General Fund be set as listed above.

Dated this 3<sup>rd</sup> day of May, 2021.

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
CITY CLERK

**RESOLUTION NO. 2021-096**

**A RESOLUTION APPROVING THE AMENDMENT TO THE TREE PLANTING/MAINTENANCE POLICY.**

Motion By: Asmus

Second By: Fagerlie

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota that the Tree Planting/Maintenance Policy be updated and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to approve the amendment of the policy.

Dated this 3<sup>rd</sup> day of May, 2021

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2021-097**

**DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF THE ASSESSMENT ROLL AND CALLING  
HEARING ON ASSESSMENTS FOR PROJECT NOS. 2101-A, 2101-B, AND 2103-A  
2021 STREET AND OTHER IMPROVEMENTS.**

Motion By: Asmus

Second By: Fagerlie

WHEREAS, contracts have been let for the construction of Street and Other Improvements of 2021 in the City, to-wit: City Project Nos. 2101-A, 2101-B, and 2103-A and;

WHEREAS, the total cost of said Street and Other Improvements of 2021 is \$4,222,700.08.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. The City Council hereby determines that the City shall pay \$3,284,310.44 of said cost, exclusive of the amount it may pay as a property owner, and the sum of \$938,389.64 shall be assessed against benefited property owners based upon benefits received without regard to cash valuation.
2. The Clerk, with the assistance of the City Engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land without regard to cash valuation as provided by law, and she shall file a copy of such assessment in her office for public inspection.
3. The Clerk shall, upon the completion of such assessment, notify the City Council thereof.
4. The Clerk shall publish notice that this City Council will meet to consider the proposed assessments on June 7, 2021, at 6:01 p.m. in the Chambers of the Municipal Utilities Building, 700 West Litchfield Avenue, Willmar, Minnesota.
5. Said notice shall also be mailed to the owners of each parcel of property described in the assessment roll.
6. Such notice shall be in substantially the following form:  
(on file in Engineer's office)
7. Said notice shall be published by the City Clerk in the official newspaper at least two weeks prior to the hearing and mailed by said Clerk to the owners of each parcel described in the assessment roll.

Dated this 3rd day of May, 2021

/s/ Marv Calvin

MAYOR

ATTEST:

/s/ Judy Thompson

CITY CLERK

**RESOLUTION NO. 2021-098**

**A RESOLUTION APPROVING THE PURCHASE OF A CHEVROLET TAHOE WITH EMERGENCY VEHICLE EQUIPMENT IN THE AMOUNT OF \$52,780.41.**

Motion By: Nelsen

Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, the purchase of a Chevrolet Tahoe Police Package from Ranger Chevrolet is accepted in the amount of \$38,957.76 and emergency vehicle equipment upfitting in the amount of \$13,822.65 and be it further resolved the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidders for the terms and considerations of the contract in the total amount of \$52,780.41.

Dated this 3rd day of May, 2021

/s/ Marv Calvin

Mayor

Attest:

/s/ Judy Thompson

City Clerk

**RESOLUTION NO. 2021-099**

**AUTHORIZATION TO PUBLISH ORDINANCE AMENDING ORDINANCE NO. 1060 SECTION 3.S. RELATING TO THE DRIVEWAY ACCESS STANDARDS BY SUMMARY**

Motion By: Fagerlie

Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, authorizing the publication of the ordinance amending Ordinance No. 1060 Section 3.S. relating to the driveway access standards by summary.

Dated this 3<sup>rd</sup> day of May, 2021

/s/ Marv Calvin

MAYOR



Attest:

/s/ Judy Thompson  
CITY CLERK

**RESOLUTION NO. 2021-100**

**A RESOLUTION AWARDING PROJECT NO. 2101-A TO RILEY BROS. CONSTRUCTION, INC.  
IN THE AMOUNT OF \$2,099,609.54.**

Motion By: Asmus

Second By: Ask

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Riley Bros. Construction, Inc. for Project No. 2101-A is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$2,099,609.54.

Dated this 3rd day of May, 2021

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2021-101**

**A RESOLUTION AWARDING PROJECT NO. 2101-B TO DUININCK, INC. IN THE AMOUNT OF \$1,087,587.90.**

Motion By: Asmus

Second By: Ask

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, that the bid of Duininck, Inc. for Project No. 2101-B is accepted, and be it further resolved that the Mayor and City Administrator of the City of Willmar are hereby authorized to enter into an agreement with the bidder for the terms and consideration of the contract in the amount of \$1,087,587.90.

Dated this 3rd day of May, 2021

/s/ Marv Calvin  
Mayor

Attest:

/s/ Judy Thompson  
City Clerk

**RESOLUTION NO. 2021-102**

**AUTHORIZATION TO PUBLISH BY SUMMARY  
AN EMERGENCY ORDINANCE TEMPORARILY PERMITTING LIMITED SALES OF GOODS AND DELIVERY OF  
SERVICES WITHIN PUBLIC RIGHTS-OF-WAY**

Motion By: Fagerlie

Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that "An Emergency Ordinance Temporarily Permitting Limited Sales of Goods and Delivery of Services within Public Rights-of-Way and Other City Property During the COVID-19 Local Emergency" be published by summary.

Dated this 3<sup>rd</sup> day of May, 2021

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
CITY CLERK

**RESOLUTION NO. 2021-103**

**AUTHORIZATION TO PUBLISH PUBLIC HEARING NOTICE BY SUMMARY  
FOR AN ORDINANCE TO SELL CITY-OWNED LAND ON BLOCK 25**

Motion By: Fagerlie

Second By: Asmus

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the notice for public hearing to be held on Monday, May 17<sup>th</sup>, 2021 in regards to adopting an Ordinance to sell city-owned land on Block 25 be published by summary.

Dated this 3<sup>rd</sup> day of May, 2021

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
CITY CLERK

**RESOLUTION NO. 2021-104**

**RESOLUTION ESTABLISHING PROCEDURES  
RELATING TO COMPLIANCE WITH REIMBURSEMENT BOND  
REGULATIONS UNDER THE INTERNAL REVENUE CODE**

Motion By: Asmus

Second By: Nelsen

BE IT RESOLVED, by the City Council (the "Council") of the City of Willmar, Minnesota (the "City"), as follows:

1. Recitals.

A. The Internal Revenue Service has issued Treasury Regulations, Section 1.150-2 (as the same may be amended or supplemented, the "Regulations"), dealing with "reimbursement bond" proceeds, being proceeds of the City's bonds used to reimburse the City for any project expenditure paid by the City prior to the time of the issuance of those bonds.

B. The Regulations generally require that the City make a declaration of intent to reimburse itself for such prior expenditures out of the proceeds of subsequently issued bonds, that such declaration be made not later than 60 days after the expenditure is actually paid, and that the bonding occur and the written reimbursement allocation be made from the proceeds of such bonds within 18 months after the later of (1) the date of payment of the expenditure or (2) the date the project is placed in service (but in no event more than 3 years after actual payment).

C. The City heretofore implemented procedures for compliance with the predecessor versions of the Regulations and desires to amend and supplement those procedures to ensure compliance with the Regulations.

D. The City's bond counsel has advised the City that the Regulations do not apply, and hence the provisions of this Resolution are intended to have no application, to payments of City project costs first made by the City out of the proceeds of bonds issued prior to the date of such payments.

2. Official Intent Declaration. The Regulations, in the situations in which they apply, require the City to have declared an official intent (the "Declaration") to reimburse itself for previously paid project expenditures out of the proceeds of subsequently issued bonds. The Council hereby authorizes the City Clerk to make the City's Declarations or to delegate from time to time that responsibility to other appropriate City employees. Each Declaration shall comply with the requirements of the Regulations, including without limitation the following:

A. Each Declaration shall be made not later than 60 days after payment of the applicable project cost and shall state that the City reasonably expects to reimburse itself for the expenditure out of the proceeds of a bond issue or similar borrowing. Each Declaration may be made substantially in the form of the Exhibit A, which is attached to and made a part of this Resolution, or in any other format which may at the time comply with the Regulations.

B. Each Declaration shall (1) contain a reasonably accurate description of the "project," as defined in the Regulations (which may include the property or program to be financed, as applicable), to which the expenditure relates and (2) state the maximum principal amount of bonding expected to be issued for that project.

C. Care shall be taken so that the City, or its authorized representatives under this Resolution, not make Declarations in cases where the City doesn't reasonably expect to issue reimbursement bonds to finance the subject project costs, and the City officials are hereby authorized to consult with bond counsel to the City concerning the requirements of the Regulations and their application in particular circumstances.

D. The Council shall be advised from time to time on the desirability and timing of the issuance of reimbursement bonds relating to project expenditures for which the City has made Declarations.

3. Reimbursement Allocations. The designated City officials shall also be responsible for making the “reimbursement allocations” described in the Regulations, being generally written allocations that evidence the City’s use of the applicable bond proceeds to reimburse the original expenditures.

4. Effect. This Resolution shall amend and supplement all prior resolutions and/or procedures adopted by the City for compliance with the Regulations (or their predecessor versions), and, henceforth, in the event of any inconsistency, the provisions of this Resolution shall apply and govern.

Adopted this 3rd day of May, 2021, by the Willmar City Council

/s/ Marv Calvin  
MAYOR

Attest:

/s/ Judy Thompson  
CITY CLERK

EXHIBIT A

DECLARATION OF OFFICIAL INTENT

The undersigned, being the duly appointed and acting City Clerk of the City of Willmar, Minnesota (the "City"), pursuant to and for purposes of compliance with Treasury Regulations Section 1.150-2 (the "Regulations"), under the Internal Revenue Code of 1986, as amended, hereby states and certifies as follows:

1. The undersigned has been and is on the date hereof duly authorized by the Willmar City Council to make and execute this Declaration of Official Intent (the "Declaration") for and on behalf of the City.
2. This Declaration relates to the following project, property or program (the "Project") and the costs thereof to be financed: 2021 Street Improvements Bond.
3. The City reasonably expects to reimburse itself for the payment of certain costs of the Project out of the proceeds of a bond issue or similar borrowing (the "Bonds") to be issued by the City after the date of payment of such costs. As of the date hereof, the City reasonably expects that \$4,977,117.28 is the maximum principal amount of the Bonds, which will be issued to finance the Project.
4. Each expenditure to be reimbursed from the Bonds is or will be a capital expenditure or a cost of issuance, or any of the other types of expenditures described in Section 1.150-2(d)(3) of the Regulations.
5. As of the Date thereof, the statements and expectations contained in this Declaration are believed to be reasonable and accurate.

Dated: May 3, 2021

/s/ Judy Thompson  
Judy Thompson  
City Clerk  
City of Willmar, Minnesota

CERTIFICATION

The undersigned, being the duly qualified and acting City Clerk of the City of Willmar, Minnesota, hereby certifies the following:

The foregoing is true and correct copy of a Resolution on file and of official, publicly available record in the offices of the City, which Resolution relates to procedures of the City for compliance with certain IRS Regulations on reimbursement bonds. Said Resolution was duly adopted by the governing body of the City (the "Council") at a regular meeting of the Council held on May 3, 2021. Said meeting was duly called, regularly held, open to the public, and held at the place at which meetings of the Council are regularly held. Council Member Asmus moved the adoption of the Resolution, which motion was seconded by Council Member Nelsen. A vote being taken on the motion, the following members of the Council voted in favor of the motion to adopt the Resolution: Council Members Rick Fagerlie, Julie Asmus, Thomas Butterfield, Michael O'Brien, Justin Ask, Vicki Davis, and Audrey Nelsen. Council Member Andrew Plowman was absent.

and the following voted against the same: None

Whereupon said Resolution was declared duly passed and adopted. The Resolution is in full force and effect, and no action has been taken by the Council, which would in any way alter or amend the Resolution.

WITNESS MY HAND officially as the City Clerk of the City of Willmar, Minnesota, this 3rd day of May, 2021.

/s/ Judy Thompson

City Clerk

City of Willmar, Minnesota